



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 6355-00

5 December 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 9 November 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
9 Nov 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 7 Sep 00
(b) NAVADMIN 132/99
(c) MILPERSMAN 1160-040

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of the petitioner's request.

a. The petitioner was placed on limited duty from 22 October 1999 to 24 April 2000. The petitioner passed through the zone "A" SRB eligible window on 14 February 2000. Reference (b) listed a zone "A" SRB entitlement for the STG(0000) rate at the time the petitioner passed through zone. However, the petitioner was ineligible for reenlistment due to his limited duty status.

b. The petitioner reenlisted on 20 July 2000 for six years and received a zone "B" SRB entitlement for the STG(0000) rate. The petitioner's EAOS at the time was 14 August 2000.

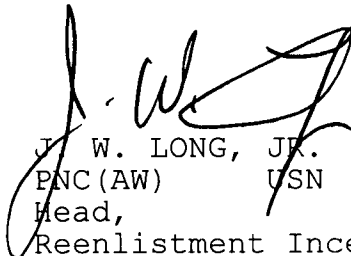
c. The petitioner requests to backdate to zone "B" reenlistment of 20 July 2000 to reflect 14 February 2000 for six years. The petitioner requests to receive the zone "A" SRB entitlement offered in reference (b).

d. Per reference (c), when a member is currently on limited duty or is found not physically qualified for duty at the expiration of enlistment, an extension agreement cannot be executed. The petitioner was not miscounseled concerning the zone "A" SRB entitlement offered in reference (b), additionally there was no error that has occurred to the petitioner's record at the time of passing through the zone "A" window.

2. In view of the above, recommend that the petitioner's record remain as is.

Subj: BCNR PETITION ICO [REDACTED]

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. W. LONG, JR.
PNC(AW) USN
Head,

Reenlistment Incentives Branch